

The denial of the writ herein is contrary to the views expressed by Mr. Justice Murphy, in the majority opinion in *M. Kraus & Bros. v. United States*, Adv. Sh. 66 S. Ct. 705 (decided March 25, 1946), at 707:

"The delegation to the Price Administrator of the power to provide in detail against circumvention and evasion, as to which Congress has imposed criminal sanctions, creates a grave responsibility. In a very literal sense the liberties and fortunes of others may depend upon his definitions and specifications regarding evasion. *Hence to these provisions must be applied the same strict rule of construction that is applied to statutes defining criminal action.* In other words, the Administrator's provisions must be explicit and unambiguous in order to sustain a criminal prosecution; they must adequately inform those who are subject to their terms what conduct will be considered evasive so as to bring the criminal penalties of the Act into operation."

The trial Court's refusal of petitioner's evidence showing his good faith, in the light of the prejudice against the class of cases to which the instant case belongs, is a definite denial of a trial according to the law of the land.

Moore v. Dempsey, 261 U. S. 86, 91.

Brown v. Mississippi, 297 U. S. 278, 285.

So, too, the trial Court's exclusion of petitioner's evidence and offers of proof worked a confiscation of petitioner's property in assessing damages referable to the following items:

- (a) Petitioner's distribution yards and facilities;
- (b) Credit for 16, 18 and 20 feet lengths;
- (c) Petitioner's status as a broker;
- (d) The alleged overcharges on 9 cars not covered by the original complaint;
- (e) As to the grade of lumber.

--What petitioner did was under legal compulsion. The wording of the press release, part of Amendment Eight, was clear enough to work legal compulsion.

United States v. United States Steel Corporation,
251 U. S. 417, 447.

Panama Refining Co. v. Ryan, 293 U. S. 388, 429.

In the light of the majority opinion of Mr. Justice Murphy in the recent *M. Kraus & Bros. v. United States* (Adv. Sh. 66 S. Ct. 705), the trial Court's reliance upon Baxter's advice by the Kansas City office of OPA against petitioner's advice by the Chicago office of OPA denied to petitioner the guaranty of Article IV, Section 2, of the Constitution of the United States, viz: "The citizens of each state shall be entitled to all of the privileges and immunities of the several states."

The plain dictates of justice, we deferentially submit, call for a reconsideration of the petition for writ of certiorari herein, and the allowance thereof to the United States Circuit Court of Appeals for the Seventh Circuit.

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